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ANDRAMUNO, FRANKLIN S				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/530,118

**Applicant(s)**

ADOLPH ET AL.

**Examiner**

FRANKLIN S. ANDRAMUNO

**Art Unit**

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/15/10.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-SB08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 10/15/10 have been fully considered but they are not persuasive. Applicant argues on page 5 fourth paragraph, "nowhere does Yamada describe or suggest that the attribute of video or audio stream or the attribute sub-picture stream can be the stream path type of the respective stream as claimed by Applicant." Applicant's point is understood, however, examiner respectfully disagrees. Yamada teaches on **(column 7 lines 65-66)** the AV attribute table for menu includes a number of the video streams or audio streams to be used in the menu, and an attribute of the video or audio streams. The sub picture attribute table for menu includes a number of the sub-picture streams to be used in the menu. Yamada is clear in showing an AV attribute table which is defined in video and audio stream paths.
2. In addition, applicant argues on page 6 third paragraph, "it is apparent to the skilled person that the system taught by wolf is not adapted for operating a DVD mode and a DVB mode in parallel." Examiner again respectfully disagrees. Wolf teaches in **(figure 1)** the network interface DVB data (52) and the DVD data (48) are both inserted parallel into the stream demultiplexer. In addition, these functions are received from external sources since the DVD is considered an external device to this configuration as well as the network port DVB.
3. Furthermore, applicant argues on page 7 second paragraph, "Durden fails to indicate the stream type, subtitle stream path type and a graphics stream path type."

Durden teaches on **(page 2 paragraph (0011))** if the program contains a content attribute list it performs some of the following functions: block video or audio, substitute alternative audio stream, substitute alternative video channel stream, edit and/or delete content. Therefore, Durden teaches a system capable of defining and handling multiple data stream path types.

4. Lastly applicant argues on page 4 third paragraph "claim 6 is an apparatus claim directed to arranging elementary streams representing video, audio, and/or other data." However, means plus function language necessitates defining the structure which the function of the system performs. In this case, there is no structure associated with "defining a basic stream path of consecutive descriptors pointing to parts of a basic AV MPEG-2 transport." Also, there is no structure tied to means for defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path. In addition, claim is fails to show a structure in association with the means for binding at least one data stream which is originating from an external data source to said basic AV MPEG-2 transport stream. Examiner acknowledges the multiple citations of the specifications attempting to define a structure. However, these structure are not directly tied to the accompanying claim language used in claim 6. For instance, pg 2 ln 7 "a content provider is using an authoring tool" is not defining a structure. In addition, pg 10 lns 18-20 "it provides more flexibility for the authoring of pre-recorded blue-ray discs." Even though there is a physical structure in this part of the spec, this is a not relevant to the tied claim language. These citations don't help explain the structure used in defining the means plus function language used in claim 6.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The scope of claim 6 is unclear. Means plus function language requires structural details. The current claim only includes functional limitations. However, claim 6 does not include any form of structure nor is any disclosed.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al (US 6,778,759 B1) in view of Wolf et al (US 7,184,450 B1) in view of Durden et al (US 2004/0261099 A1). Hereinafter referred as Yamada, Wolf and Durden.

Regarding claims 1 and 6, Yamada discloses a method apparatus and a pre-recorded storage medium for arranging data streams containing video, audio and/or other data (**video (1002), audio (1003) and sub-picture (1004) on figure 26**), comprising: defining a basic stream path of consecutive descriptors pointing to parts of a basic AV (**Number of AV streams for title on figure 22**) MPEG-2 transport stream of

multiplexed elementary streams (**column 9 lines 51-52**), wherein said descriptors define the arrangement in time for playing back said parts of said basic AV MPEG-2 transport stream (**arrangement of video file 1, 2, 3.... on figure 8B**); wherein each of said sub stream paths is one of a video stream path type (**column 7 line 64**), an audio stream type (**column 7 line 64-65**), a subtitle stream type (**column 1 lines 9-14**) or a graphics stream type (**column 7 line 65-67**); indicating the stream path type of each of said sub stream paths (**column 8 lines 1-6 each attribute such as video, audio and sub-picture has a corresponding stream type**).

However, Yamada is silent in teaching defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path, said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream. Wolf teaches on (**column 6 lines 24-39**) DVD-DSP interface (24) retrieves DVD data from DVD-DSP (46) subsequently reformats this data as a stream of bytes. Similarly, Network port (22) retrieves DVB data from Network interface (52), reformats this data as a stream of bytes, and supplies the stream of bytes to SD. As a result, Wolf teaches a system which has multiple streams. In addition to the information decoded from the DVD (46), it also decodes information from the network interface (52) and merges the result in the stream demultiplexer as shown on figure 1. Wolf, therefore, teaches the binding of an external source to a corresponding sub stream (**Stream demultiplexer (26 on figure 1)**)

Therefore, it would have been obvious at the time of the invention to include the use of multiple sub stream paths, where a sub stream path is located outside of the

basic AV transport stream. This is a useful combination because the system will have indefinite information available such as: languages, subtitles, change of scenes, etc. This system will save space in DVD and give more options to users.

**However, Yamada and Wolf are silent in** indicating the stream type of each of said sub stream paths; said basic AV MPEG-2 transport stream by pointing at said data stream by descriptors of the corresponding sub stream path. Durden teaches on **(figure 3)** that each program (40) has a different version of programming to be displayed. Step (36) shows multiple ratings c, b, a, default rating. As a result, Durden shows a system which indicates the stream type and points out to a corresponding version of desired programming.

Therefore, it would have been obvious at the time of the invention to include the use of indication stream paths. This is a useful combination because users are able to recognize the data of each stream of information. In addition, it provides various options to users such as: different endings, scene blocking, etc.

7. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable by Yamada et al (US 6,778,759 B1) in view of Wolf et al (US 7,184,450 B1) in view of Durden et al (US 2004/0261099 A1) in view of Chotoku et al (US 2002/0006268 A1). Hereinafter referred as Yamada, Wolf and Durden, and Chotoku.

Regarding claim 2, Yamada discloses a method according to claim 1, wherein said basic AV MPEG-2 transport stream **(column 9 lines 51-52)** is pre-recorded on a

read-only disc (**column 18 lines 31-35**) and said at least one data stream bound to said basic AV MPEG-2 transport stream (**figures 8A and 8B**). **However, Yamada Wolf and Durden are silent in teaching** the use of internet for uploading the AV MPEG-2 transport Stream. Chotoku discloses on (**page 4 paragraph (0060)**) information can be acquired from a network such as the internet.

Therefore, it would have been obvious at the time of the invention to include the use of internet. This is a useful combination because it saves space on the disk and allows more data to be multiplexed through the use of the internet.

Regarding claim 3, Chotoku discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of said data streams concerning their relative relation in time by defining the start time and end time of the separate parts of data streams (**page 2 paragraph (0026)**).

Regarding claim 4, Yamada discloses a method according to claim 1, wherein said descriptors define the synchronization of parts of data streams concerning their switching by defining points in time and in the binary stream (**Figure 5**) were the decoding of a part of a data stream can be substituted by decoding a part of another data stream (**Video File 1 in figure 6**).

Regarding claim 5, Yamada discloses a method according to claim 1, wherein the format of a data stream bound to said basic AV MPEG-2 transport stream (**column 9 lines 51-52**) is an MPEG-2 transport stream of multiplexed elementary streams (**Stream demultiplexer (26) on figure 1**).



8. Claim 7 is rejected under 35 U.S.C. 103(a) as being anticipated by Yamada et al (US 6,778,759 B1) in view of Wolf et al (US 7,184,450). Hereinafter referred as Yamada and Wolf.

Regarding claim 7, Yamada discloses a method apparatus and a pre-recorded storage medium for arranging data streams containing video, audio and/or other data **(video (1002), audio (1003) and sub-picture (1004) on figure 26)**, comprising: defining a basic stream path of consecutive descriptors pointing to parts of a basic AV **(Number of AV streams for title on figure 22)** MPEG-2 transport stream of multiplexed elementary streams **(column 9 lines 51-52)**, wherein said descriptors define the arrangement in time for playing back said parts of said basic AV MPEG-2 transport stream **(arrangement of video file 1, 2, 3.... on figure 8B)**; wherein each of said sub stream paths is one of a video stream path type **(column 7 line 64)**, an audio stream type **(column 7 line 64-65)**, a subtitle stream type or a graphics stream type **(column 7 line 65-67)**; indicating the stream path type of each of said sub stream paths **(column 8 lines 1-6 each attribute such as video, audio and sub-picture has a corresponding stream type)**.

However, Yamada is silent in teaching defining multiple sub stream paths of consecutive descriptors existing in parallel to said basic stream path, said sub stream paths of descriptors pointing to parts of data streams being located out of said basic AV MPEG-2 transport stream. Wolf teaches on 1**(column 6 lines 24-39)** DVD-DSP interface (24) retrieves DVD data from DVD-DSP (46) subsequently reformats this data

as a stream of bytes. Similarly, Network port (22) retrieves DVB data from Network interface (52), reformats this data as a stream of bytes, and supplies the stream of bytes to SD. As a result, Wolf teaches a system which has multiple streams. In addition to the information decoded from the DVD (46), it also decodes information from the network interface (52) and merges the result in the stream demultiplexer as shown on figure 1.

Therefore, it would have been obvious at the time of the invention to include the use of multiple sub stream paths, where a sub stream path is located outside of the basic AV transport stream. This is a useful combination because the system will have indefinite information available such as: languages, subtitles, change of scenes, etc. This system will save space in DVD and give more options to users.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKLIN S. ANDRAMUNO whose telephone number is (571)270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm) alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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